

**Amendments to the Claims:**

The following listing of claims will replace all prior versions, and listings, of claims in the application:

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1-21. (Canceled)

22. (Currently Amended) An image processing apparatus having an image selecting function, comprising:

a compression device that engages in compression processing on image data;

an evaluation device that controls said compression device to ~~compresses~~ compress a plurality of sets of image data obtained through continuous image-capturing by using a compression parameter for acceptability evaluation, and performs acceptability evaluation on each set of image data based upon a resulting post-compression code volume; and

an acceptability selection device that selects image data ranked high in the acceptability evaluation among the plurality of sets of image data having undergone the acceptability evaluation at said ~~acceptability~~ evaluation device, and records the selected image data into a recording medium in a state in which the selected image data are compressed via said compression device to achieve a target post-compression code volume for image recording.

23. (Currently Amended) An image processing apparatus according to claim 22, wherein:

said acceptability selection device makes a decision as to whether or not ~~a~~ the post-compression code volume of the image data that have been selected, achieved in the acceptability evaluation is within an allowable range for a target post-compression code volume for image recording, and records compressed data resulting from the acceptability evaluation if the post-compression code volume is within the allowable range, but re-compresses the image data that have been selected to achieve the target post-compression

volume for image recording, and records the re-compressed image data if the post-compression code volume is not within the allowable range.

24. (Currently Amended) An image processing apparatus according to claim 22, wherein:

Q. said compression device determines a compression parameter to be used for re-compression to achieve the target post-compression code volume for image recording based upon results of the compression processing performed during the acceptability evaluation.

25-36. (Canceled)

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